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**JUL 15 2004**

**OFFICE OF PETITIONS**

In re Application of  
Gary Dommer et al  
Application No. 10/085,489  
Filed: February 26, 2002  
Attorney Docket No. 46522-1101

:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.55(c)  
:  
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This is a decision on the petition, filed May 2, 2003,<sup>1</sup> which is being treated as a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application; namely Great Britain Application No. 0104781.9, filed February 27, 2001.<sup>2</sup>

The petition is **DISMISSED**.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date in either an oath or declaration or in an Application Data Sheet (see 37 CFR 1.63(c)(2) and 37 CFR 1.76(b)(6))

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<sup>1</sup> The Office sincerely apologizes for the delay in replying to the instant petition and any inconvenience caused petitioner by this delay.

<sup>2</sup> Receipt is acknowledged of the certified copy of this application.

- The instant petition fails to comply with items (2) and (4). In this regard, the claim for foreign priority must be either set forth in an oath or declaration in accordance with 37 CFR 1.63(c)(2) or in an application data sheet in accordance with 37 CFR 1.76(b)(6). Additionally, the statement of unintentional delay should state: "The entire delay between the date the claim under 37 CFR 1.55(a)(1) was due and the date the claim was filed was unintentional."

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Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.

As authorized, the \$1,300 fee due for the instant petition will be charged to Deposit Account No. 50-0988 as authorized.

This application is being forwarded to Technology Center AU 2173 for examination in due course.



Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy